

**TOWN OF SWEDEN
Planning Board Minutes
November 13, 2023**

A regular meeting of the Town of Sweden Planning Board was held on Monday, November 13, 2023, at the Sweden Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

Members present: Richard Dollard, David Hale, Craig McAllister, Matthew Minor, Wayne Rickman, Peter Sharpe, David Strabel.

Absent: James Oberst, P.E., Town Engineer – Excused.

Also present: Nat O. Lester, III, Planning Board Counsel; Mason Everhart, DDS Companies; David Matt, Schultz Associates; David Boyd; Aimee Mesiti.

Chairman McAllister called the meeting to order at 7 p.m. and asked everyone present to say the Pledge of Allegiance.

Correspondence was passed to members for review.

Moved by Mr. Minor, seconded by Mr. Rickman, that the minutes of October 23, 2023, be approved.

Chairman McAllister - Aye
Mr. Dollard – Aye
Mr. Hale - Aye
Mr. Minor – Aye
Mr. Rickman – Aye
Mr. Sharpe - Aye
Mr. Strabel – Aye

Moved by Mr. Strabel, seconded by Mr. Hale, that the regular meeting be adjourned to the public hearing.

Chairman McAllister - Aye
Mr. Dollard – Aye
Mr. Hale - Aye
Mr. Minor – Aye
Mr. Rickman – Aye
Mr. Sharpe - Aye
Mr. Strabel – Aye

The Public Hearing began at 7:01 p.m.

Chairman McAllister waived the reading of the legal notice.

Five Sons Winery Amended Site Plan. 1356 West Sweden Road. 113.01-1-4.11

David Matt, Schultz Associates, addressed the Board. The applicants are looking to construct a pavilion, 40 ft. by 72 ft., to replace the temporary tent currently being used for events at the Winery. The pavilion will have a concrete floor and have tent sides with windows for inclement weather. There will be no water or bathrooms. The peak at the top of the pavilion will be 6 ft., 2 inches tall. As far as lighting, there will be lights inside the rafter area and soft lighting along the walkway from the winery to the pavilion.

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The 20 ft. driveway originally approved in 2013 has become overgrown with grass overtime. The applicants will maintain the driveway back to 20 ft.

Chairman McAllister asked if there were any comments, questions, or concerns relative to this application.

Kimberly Drew, 1186 Ladue Road – Ms. Drew stated she is a neighbor and is in favor of the proposed application.

David Boyd, 1353 W. Sweden Road – Mr. Boyd lives across the road from the winery and is in favor of this application too.

Chairman McAllister asked if there were any other comments or questions. There were none.

M.K. Resubdivision and Site Plan – Lot R-3. 733 Shumway Road. 084.03-1-37.11, 084.03-1-36.11.

Mason Everhart, DDS Companies, addressed the Board. Mr. Everhart stated on behalf of the applicant, Marshal King, this project was before the Board at the October 23, 2023, acceptance of review meeting. Mr. Everhart offered to refamiliarize the Board with the project. It is a straightforward resubdivision of land, both parcels owned by Mr. King. In addition, the applicant is seeking approval for construction of a three-bedroom single family home.

At the previous meeting, Mr. Everhart mentioned there is an existing curb cut, which is not currently a legal existing curb cut. An application will be made to the MCDOT to resolve this. Additionally, approvals will be obtained from the MCWA and MCDOH.

Mr. Everhart would be happy to discuss any review comments.

Chairman McAllister asked if there were any comments, questions, or concerns relative to this application. There were none.

Moved by Mr. Minor, seconded by Mr. Strabel, that the public hearing be adjourned to the regular meeting.

Chairman McAllister - Aye
Mr. Dollard – Aye
Mr. Hale - Aye
Mr. Minor – Aye
Mr. Rickman – Aye
Mr. Sharpe - Aye
Mr. Strabel – Aye

The public hearing ended at 7:05 p.m.

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Five Sons Winery Amended Site Plan. 1356 West Sweden Road. 113.01-1-4.11

The Board continued to review this application.

Chairman McAllister confirmed with Mr. Matt that all of the Town Engineer's review comments have been addressed.

Chairman McAllister confirmed with Mr. Matt that the winery has not sold. The applicants are the same as in 2013. Chairman McAllister wanted to make sure ownership has not changed. He added that the Town Engineer is all set except for the missing lighting detail. He added that in 2013 when the original site plan was approved, it was for a winery, vineyard, and tasting room. Over the years, the operation has become something much more. It now includes a microbrewery and a full kitchen where dinners are served. The SEQR needs to be updated to reflect those activities. He does not see that changing to a Type 1; however, an updated, accurate SEQR will protect the owners and the Town.

Mr. Minor read Mr. Oberst's response comments received prior to the meeting by Chairman McAllister.

Mr. Oberst, email: "Revised plans and response letter was received on 11/9/23. All comments from the 11/1/23 MRB review letter have been addressed. With regard to lighting, Schultz said they will be sending me lighting specs which they said will be dark sky compliant. My only other comment is relative to the overflow parking area and whether this layout needs to be approved by the Fire Marshal for emergency vehicle accessibility. Also, is a special use permit required from the Town for these large events?"

Craig – With regard to your question regarding SEQR, yes I agree that it would be appropriate to have the applicant complete SEQR once again since the business operations have changed significantly from what was part of the original [P]lanning [B]oard approval and SEQR. I don't however see this rising to a Type 1 action, rather it most likely would fall under an Unlisted Action."

Mr. Dollard asked if the pavilion would be open on the sides. Mr. Matt stated yes. Chairman McAllister confirmed with Mrs. Mesiti that the pavilion is seasonal with no operation in the winter. Mr. Matt stated it will have electricity for the lights, but no gas, water or sanitary.

Mr. Hale asked if there will be additional toilets. Mr. Matt stated for special events porta potties will be brought in.

Mr. Dollard asked for the capacity of the pavilion. Mr. Matt stated that currently events held in the same size tent structure are for 125 people, maximum.

Mr. Hale asked Mr. Matt for the existing number of handicap accessible parking spaces. Mr. Matt stated there are two signed handicap spaces by the building. Are more handicap spaces needed? Mr. Matt stated for large events up to four handicap spaces are needed. For the existing parking lot that is used on a daily basis, only one handicap space is needed.

Chairman McAllister requested an updated SEQR. Mr. Matt said he could make the changes here. Mrs. Mesiti stated the brewery has always been part of the operation from day one. Chairman McAllister explained it may have been, but it was never approved with the original site plan as it never was presented for approval only the winery was.

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Chairman McAllister did not think the SEQR could be revised in five minutes as there is a lot of information to consider, i.e., the amount of water coming out of one well is a lot different than the actual amount of usage.

There was nothing else to discuss relative to this application.

Moved by Mr. Hale, seconded by Mr. Rickman,

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the Five Sons Winery Amended Site Plan, located at 1356 West Sweden Road, which was accepted for review on October 23, 2023, and

WHEREAS, a public hearing was held by the Planning Board on November 13, 2023, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Short Environmental Assessment Form, Ag Data Statement, comments of the Town Engineer, Highway Superintendent, and Environmental Conservation Board,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board declares itself lead agency for the environmental review of this application and determines that the Five Sons Winery Amended Site Plan is an unlisted action, contingent upon submitting an updated SEQR form to the Town Engineer's satisfaction, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Five Sons Winery Amended Site Plan be approved contingent upon obtaining all required signatures, the lighting detail, updated SEQR, and the Chairman be authorized to sign.

Discussion: Mr. Hale asked what the additional conditions were for this resolution. Lighting detail and updated SEQR were mentioned. The updated SEQR is to be reviewed by the Town Engineer to determine if it is satisfactory for an unlisted action.

Chairman McAllister – Aye
Mr. Dollard – Aye
Mr. Hale – Aye
Mr. Minor – Aye
Mr. Rickman – Aye
Mr. Sharpe - Aye
Mr. Strabel – Abstain

M.K. Resubdivision and Site Plan – Lot R-3. 733 Shumway Road. 084.03-1-37.11, 084.03-1-36.11.

The Board continued to review this application. Chairman McAllister read Mr. Oberst's comments regarding the status of this application.

Mr. Oberst, email: "Received revised plans and response letter on 11/8/23. All comments from the 11/1/23 MRB review letter have been addressed. The applicant's engineer is still pursuing MCDOH, MCDOT and MCWA approvals. I have asked that the Town and MRB be copied on any correspondence. Other than these items, I have no additional comments."

Mr. Everhart commented that he was waiting to hear from all County agencies and DRC, which he expects to hear from no later than November 30.

Mr. Hale checked whether the ECB's comments were reviewed. Standard comments. Mr. Everhart agreed. Mr. Minor confirmed with Mr. Everhart that the "Notice of Farm Operations" was added to the plan.

The Board discussed how to proceed with approvals and conditions.

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Moved by Mr. Hale, seconded by Mr. Strabel,

WHEREAS, the Town of Sweden Planning Board has received an application for approval of the M.K. Resubdivision and Site Plan, Lot R-3, located at 733 Shumway Road, which was accepted for review on October 23, 2023, and

WHEREAS, a public hearing was held by the Planning Board on November 13, 2023, and all persons wishing to be heard were heard, and

WHEREAS, the Planning Board has reviewed the Project Information Form, Short Environmental Assessment Form, Ag Data Statement, comments of the Town Engineer, Highway Superintendent, and Environmental Conservation Board,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board declares itself lead agency for the environmental review of this application and determines that the M.K. Resubdivision and Site Plan, Lot R-3 are unlisted actions, which will not have a significant impact on the environment, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Board grants the M.K. Resubdivision Preliminary Approval, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the final hearing be waived and the M.K. Resubdivision be granted final approval, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the M.K. Site Plan, Lot R-3 be approved contingent upon County approvals (DOT, DOH and MCWA) are granted, required signatures are obtained, and the Chairman be authorized to sign.

Discussion: Mr. Minor wanted to make sure if one of the County agencies has concerns or changes, the site plan would come back before the Board. Chairman McAllister agreed. Mr. Oberst would bring any major changes to the Board's attention.

Chairman McAllister – Aye
Mr. Dollard – Aye
Mr. Hale – Aye
Mr. Minor – Aye
Mr. Rickman – Aye
Mr. Sharpe - Aye
Mr. Strabel – Aye

The Clerk informed the Board that Mavis Tire will come before the Board in December for an informal.

The meeting was adjourned on motion.

Respectfully submitted,
Phyllis Brudz – Planning Board Clerk